

ALEX G. TSE (CABN 152348)
Attorney for the United States
Acting Under Authority Conferred by 28 U.S.C § 515

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 17-00491 RS
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER
v.)	
)	
G. STEVEN BURRILL and MARC HOWARD)	
BERGER,)	
)	
Defendants.)	

STIPULATION

WHEREAS, on October 3, 2017, defendant G. Steven Burrill, specially represented by Rees F. Morgan, Esq.; defendant Marc Howard Berger, represented by Miranda Kane, Esq.; and the government, represented by Robert S. Leach, Assistant United States Attorney, appeared before the Court for a status hearing;

WHEREAS, at the hearing, the government represented that, upon receipt of a discovery request, it was prepared to produce in excess of 500GB of data pursuant to Rule 16;

1 WHEREAS, the parties requested a continuance of this matter to November 7, 2017, and that
2 time be excluded under the Speedy Trial Act between October 3, 2017, and November 7, 2017, to afford
3 counsel time to review the discovery and to conduct any necessary investigation;

4 WHEREAS, failing to exclude the time between October 3, 2017, and November 7, 2017, would
5 unreasonably deny the defendant continuity of counsel and would deny counsel the reasonable time
6 necessary for effective preparation, taking into account the exercise of due diligence, and under the
7 circumstances, the ends of justice served by a continuance outweigh the best interests of the public and
8 the defendant in a speedy trial;

9 WHEREAS, pursuant to Criminal Local Rule 47-2(c), counsel for the government calculates
10 that, under 18 U.S.C. § 3161, there are seventy (70) days remaining before a trial of defendants must
11 commence;

12 THEREFORE, the United States and the defendants in this action, through undersigned counsel,
13 hereby stipulate and agree that the period of time from October 3, 2017, and November 7, 2017, shall be
14 excluded in computing the time within which the trial of the offenses alleged in the Indictment must
15 commence under 18 U.S.C. § 3161.

16 STIPULATED AND AGREED TO:

17 Dated: October 25, 2017

ALEX G. TSE
Attorney for the United States
Acting Under Authority Conferred By
28 U.S.C § 515

18 /s/
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21 ROBERT S. LEACH
Assistant United States Attorney

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23 LORI A. HENDRICKSON
Trial Attorney
24 U.S. Department of Justice, Tax Division
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1 Dated: October 25, 2017

COBLENTZ PATCH DUFFY & BASS LLP

2 /s/

3 REES F. MORGAN

4 Specially Appearing for Defendant G. Steven Burrill

5 Dated: October 25, 2017

KANE + KIMBALL LLP

6 /s/

7 MIRANDA KANE

8 Attorney for Defendant Marc Howard Berger

9 ~~PROPOSED~~ ORDER

10 PURSUANT TO STIPULATION and for good cause shown, the Court finds that failing to
11 exclude the time between October 3, 2017, and November 7, 2017, would unreasonably deny the
12 defendant continuity of counsel and would deny counsel the reasonable time necessary for effective
13 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The
14 Court further finds that the ends of justice served by excluding the time between October 3, 2017, and
15 November 7, 2017, from computation under the Speedy Trial Act outweigh the best interests of the
16 public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between
17 October 3, 2017, and November 7, 2017, shall be excluded from computation under the Speedy Trial
18 Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

19 Dated: 10/26/17

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21 HON. RICHARD SEEBORG
22 United States District Judge
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